MC(N) 4079/2005

BEFORE

THE HON'BLE MR. JUSTICE B.P. KATAKEY

Heard Mr. S.S. Sharma, learned Sr. counsel for the applicant. None appears for the respondent despite service.

The applicant by the present application is seeking condonation of delay of 105 days in preferring appeal against the award dated 16.06.2005 passed by the learned Commissioner, Workmen's Compensation, Nagaon, in W.C. Case No.225/2002, whereby and whereunder an amount of Rs.1,15,474/- with interest was awarded as compensation for the injuries sustained by the respondent No.1 arising out of and in the course of his employment.

Admittedly the amount, which has been deposited before filing of the memorandum of appeal before this Court challenging the aforesaid award, has already been disbursed to the workman. The memorandum of appeal was filed before this Court together with the present application seeking condonation of delay in the year 2005.

Having perused the averments made in the application seeking condonation of delay, I am of the view that the applicant could not explain the delay caused in filing the appeal as there is no proper explanation for such delay. That apart the amount of compensation awarded has already been disbursed almost 6(six) years back to the respondent No.1. Hence the delay in filing the appeal is refused to be condoned.

Misc. case stands dismissed.